

**REAL ESTATE BOARD
MADISON, WI
MINUTES
April 24, 2003**

PRESENT: Nancy Gerrard, Richard Hinsman, Vice Chair, Richard A. Kollmansberger, Chair, Maria E. Watts, all board members; Patricia Hoeft, Division Administrator of Board Services, William Black, Legal Counsel, Roxanne Peterson, Administrative Assistant, Division of Enforcement staff, all staff; Rick Staff, General Counsel for Wisconsin Realtors Association (WRA).

EXCUSED: Rebecca J. Dysland, board member

CALL TO ORDER

Richard Kollmansberger, Chairman, called the meeting to order at 10:05 a.m. A quorum of four members was present.

AGENDA

MOTION: Nancy Gerrard moved, seconded by Richard Hinsman to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MARCH 27, 2003 MINUTES

Patricia Hoeft reported that the March 27, 2003 minutes were not prepared in time for today's meeting. She requested permission to submit the minutes at the next board meeting.

MOTION: Nancy Gerrard moved, seconded by Richard Hinsman to defer action on the minutes until the next meeting. Motion carried unanimously.

ADMINISTRATIVE REPORT

- **Board Roster**

The Board Roster was approved as published.

- **2003 Meeting Dates**

The 2003 meeting dates were approved as published.

- **Summary Reports on Pending Court Cases, Disciplinary Cases, Administrative Rules and Press Releases**

Noted

- **Review Department Procedures used to review and analyze bills and proposed legislation.**

Noted.

- **Status of board appointments.**

Roxanne Peterson updated board members on the process for filling board vacancies. Ms. Gerrard asked about the status of her term which is scheduled to expire July 2003. Ms. Peterson said that board members whose terms expire may continue serving on the board until a replacement has been confirmed to fill their seat. Board members who wish to end their term on their expiration date will need to resign.

LEGISLATION UPDATE

No activity to report at this time.

ADMINISTRATIVE RULES UPDATE

No activity to report at this time.

VIRTUAL OFFICE WEBSITES (VOWs)

Mr. Black said that as result of his analysis on the matter about virtual office websites, he believed this activity to be considered advertising. The key is the statutory rights that persons viewing may get based on whether their clients, customers or parties. That would determine what information can be viewed, can be sought, how they can get into a position to view it and the nature and quality of what it is that is being viewed, based upon everybody's rights that are granted under the Code in any instance, for any non-internet type of media where you are facilitating the exchange of information between these various persons as you folks are practicing. Chairman Kollmansberger suggested that this issue be explained in the next Regulatory Digest.

MOTION: Richard Hinsman moved, seconded by Maria Watts to agree (with the opinion presented by William Black, legal counsel for the Department of Regulation and Licensing) that the Board's position will be to consider virtual office websites as advertising. Motion carried unanimously.

Discussion: Mr. Black said that he will need to make some minor revisions to this report and will provide a revised copy to the Division Administrator who will distribute it to the Board.

REVIEW DRAFT VERSIONS OF FORMS

Mr. Rick Staff, general counsel for Wisconsin Realtors Association (WRA), provided the Board with a summary about the history of the work by his association's Task Force to revise various forms. The board reviewed the Task Force's early drafts of some forms. Forms are under revision to provide customers with forms that are easier to read, written using larger font, and better organized. When the Task Force completes their revisions, Mr. Staff said the forms would be forwarded to the Real Estate Contractual Forms Advisory Council. Mr. Staff presented this summary to the board as information only.

MISCELLANEOUS CORRESPONDENCE

There were no items to report.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT

Chairman Kollmansberger presented information concerning the following matters: Horseshoe Bay Farms Realty Company, Inc. and Lisa J. Bieri (01 REB 311), Dennis G. Rasmussen (01 REB 218), Kimberly M. Rasmussen (01 REB 218), Sandy M. Gehrke, Roger H. Gehrke, Brent A. Wernlund, Edina Realty (00 REB 282, Richard D. Rogers (00 REB 070). These matters will be deliberated on in Closed Session.

CLOSED SESSION

MOTION: Nancy Gerrard moved, seconded by Richard Hinsman, to convene to closed session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; to consider licensure or discipline (s. 19.85(1) (b), Stats.; to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.; and, to confer with legal counsel (s. 19.85(1) (g), Stats. to consider case closings, monitoring reports, deliberation on cases proposed to be closed by administrative warning.. Motion carried by roll call vote. Nancy Gerrard-yes, Richard Hinsman-yes, Richard A. Kollmansberger-yes, Maria E. Watts-yes.

Open session recessed at 10:35 a.m.

RECONVENE TO OPEN SESSION

MOTION: Nancy Gerrard moved, seconded by Richard Hinsman to reconvene into open session at 11:02 a.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Nancy Gerarrd moved, seconded by Richard Hinsman to close 02 REB 022, 01 RB 095 and 01 REB 305 for no violations. Motion carried unanimously.

STIPULATIONS

MOTION: Nancy Gerrard moved, seconded by Maria Watts to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in each of the following matters as listed: Horseshoe Bay Farms Realty Company, Inc. and Lisa J. Bieri (01 REB 311), Dennis G. Rasmussen (01 REB 218), Kimberly M. Rasmussen (01 REB 218), Sandy M. Gehrke, Roger H. Gehrke, Brent A. Wernlund, Edina Realty (00 REB 282, Richard D. Rogers (00 REB 070). Motion carried unanimously.

ADJOURNMENT

MOTION: Richard Hinsman moved, seconded by Nancy Gerrard to adjourn the meeting at 11:06 a.m. Motion carried unanimously.